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Tuesday, September 5, 2017

Board Room – 2nd Floor

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## ***Special Meeting***

***The Public Portion Of The Meeting Will Begin At 1:00 p.m.***

### **ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

### **1. CLOSED SESSION (1:00 p.m.)**

*Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.*

### **OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

### **CLOSED SESSION REPORT**

*The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.*

### **2. CONSENT ITEMS**

*Action by the Board under "Consent Items" means that all matters listed below have been summarized and will be adopted by one motion and appropriate vote. Consent Items may be removed for further discussion by the Board at the request of any member of the Board.*

### **3. MAJOR PROJECTS**

*This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.*

### **4. BUDGET & FINANCE**

*This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.*

### **5. STRATEGY & POLICY**

*This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.*

**5.1 Report: Commissioners and Managers Ethics and Sexual Harassment Training and Review of Related Port Policies. (Port Attorney)**

**1. BOARD AND MANAGEMENT ETHICS (AB1234 Ethics Training).**

- a. General Ethics Principles
- b. Laws Relating To Personal Financial Gain By Public Servants (Bribery, Political Reform Act, Contract Conflict Of Interest, Campaign Contributions, Leaving Office)
- c. Laws Relating To Claiming "Perquisites" Of Office (Gifts, Honoraria, Misuse And Gifts Of Public Funds, Mass Mailing, Discount By Transportation Companies)
- d. Government Transparency Laws (Economic Disclosure (Form 700), Brown Act, Port Sunshine Ordinance, Board Meeting Rules For Public Participation (Ord. 4127))
- e. Laws Relating To Fair Processes (Bias, Due Process, Incompatible Office, Competitive Bidding, Anti-Nepotism)
- f. Port Conflict Of Interest Code (Ordinance 2392) And Port Handbook On Ethical Business Conduct (AP17)
- g. Board Members Meetings With Public Re: Pending Items And Disclosure.

**2. BOARD AND MANAGEMENT Sexual HARASSMENT (AB 1661 Training).**

- a. Federal And State Statutory Provisions Concerning The Prohibition Against, And The Prevention And Correction Of, Sexual Harassment, And The Remedies Available To Victims Of Sexual Harassment
- b. Practical Examples Of Prevention Of Sexual Harassment, Discrimination, And Retaliation
- c. Port Unlawful Harassment Policy And Complaint Procedures, AP 453

**3. REVIEW OF BYLAWS AND ADMINISTRATIVE RULES OF THE BOARD**

(discussion only)

- a. Compliance With Transparency And Anti-Harassment
- b. Committees
- c. Delegation Of Authority

File ID: [\[255-17\]](#)

**Attachments:** [Report](#)  
[Ethicsoutline](#)  
[Harassment Outline](#)  
[PO 2392 \(Conflict of Interest\)](#)  
[Ethical Business Conduct](#)  
[4265 Sunshine Ordinance](#)  
[PO 4127 \(Public Participation\)](#)  
[AP 453 Unlawful Harassment](#)  
[PO 4399 By-Laws](#)

## 6. REMAINING ACTION ITEMS

*Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.*

- 6.1 Resolution:** Authorize the Executive Director to Approve a License Agreement to Allow and Obligate Scott's Jack London Seafood, Inc. ("Scott's") to Install and Maintain New Public Access Improvements in the Franklin Street Plaza. **(CRE)**

**File ID:** [\[256-17\]](#)

**Attachments:** [Agenda Report](#)  
[Exhibit A](#)  
[Resolution Item 6.2](#)

- 6.2 Resolution:** Adoption of a Resolution Necessary to Appoint Daria Edgerly as the Acting Secretary of the Board of Port Commissioners ("Acting Secretary") and to Provide Temporary Supplemental Compensation for the Acting Secretary. **(Finance & Admin.)**

**File ID:** [\[257-17\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.1](#)

## 7. UPDATES/ANNOUNCEMENTS

*The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.*

## 8. SCHEDULING

*This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings*

## OPEN FORUM

*The Board will receive public comment on non-agenda items during this time. Please fill out a speaker card and present it to the Secretary of the Board.*

**ADJOURNMENT**

*The next Regular Meeting of the Board will be held on September 14, 2017.*

## PUBLIC PARTICIPATION

### To Speak on an Agenda Item

You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary **before the start of the meeting** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

### To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Board Secretary, John Betterton, at: (510) 627-1696, or visit our web page at: [www.portoakland.com](http://www.portoakland.com)  
<<http://www.portoakland.com>>

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [jbetterton@portoakland.com](mailto:jbetterton@portoakland.com)

### Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board **no later than five working days** prior to the scheduled meeting date.

John Betterton, Secretary of the Board  
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### Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Assistant Secretary of the Board no later than five working days prior to the scheduled meeting date.

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### Scented Products

## **Commissioner's Statement of Intention**

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and